

REMARKS

Interview Summary

The Assignee thanks the Examiner for taking the time to discuss the Office Action dated February 12, 2007 via telephone conference on April 5, 2007. During the interview, it was agreed that neither the combination of Bouve and Stewart, nor the combination of Bouve, Stewart, and Bianco disclose all the limitations of claim 81. In particular, the combinations of references asserted in the Office Action dated February 12, 2007 do not disclose alerting the user to a best local price, where the best local price comprises the lowest price at which an item of interest is offered as between multiple retailers proximate to the user.

Summary of Proposed Amendment

Claims 20-59 and 61-81 are currently pending. The Assignee proposes amendments to claims 20, 22-23, 28, 30-31, 36-37, 42, 44, 49, 56-57, 61-65, 67-68, 70, and 74. The Assignee's proposed amendment also cancels claims 26-27, 35, 41, 46-48, 55, 66, 69, 72, and 81. The proposed amendment also adds new claims 82-93. The new claims include subject matter deleted from the independent claims. No new matter has been added to the claims.

35 U.S.C. § 112

Claims 74 and 81 were rejected under 35 U.S.C. § 112 ¶ 2 as being indefinite. Claim 81 has been cancelled. The proposed amendment to claim 74 shows that claim 74 depends from claim 73, thus providing antecedent basis for "the wireless handheld". Accordingly, the Assignee respectfully requests entry of the proposed amendment to claim 74 and withdrawal of the § 112 rejection.

Double Patenting

Claims 20, 36, 42, and 67 are rejected under the judicially created doctrine of obviousness-type double patenting over claim 1 of U.S. Pat. No. 6,317,718 ("the '718 patent"). Claims 28 and 49 are rejected under the judicially created doctrine of obviousness-type double patenting over claim 9 of the '718 patent. The amendment proposed herein incorporates the limitation of claim 81 into each of claims 20, 28, 26, 42, 49, and 67. Claim 81 was not rejected under the judicially created doctrine of obviousness-type double patenting over any claims of the '718 patent. Accordingly, Assignee respectfully requests entry of the proposed amendments and removal of the double patenting rejection.

In the alternative, and as the Examiner has not yet identified allowable claims in the present application, the Assignee respectfully requests that the Examiner hold the double patenting rejection in abeyance until allowable claims in the present application have been identified and compared with claims 1 and 9 of the '718 patent.

35 U.S.C. § 103

Claims 20-26, 28-34, 36-40, 42-47, 49-54, 56-59, 61-65, 67-68, 70-71, and 73-80 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Bouve et al. (U.S. Pat. No. 5,682,525), in view of Stewart (U.S. Pat. No. 5,835,061). Claims 27, 35, 41, 48, 55, 66, 69, 72, and 81 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Bouve, in view of Stewart, further in view of Bianco (U.S. Pat. No. 5,047,416).

Claims 27, 35, 41, 48, 55, 66, 69, and 72 relate to the limitation of alerting the user to a best local price. This proposed amendment cancels claims 27, 35, 41, 48, 55, 66, 69, and 72 and incorporates the limitations of each of claim 27, 35, 41, 48, 55, 66, 69, and 72 into the corresponding independent claims. The Assignee's proposed amendments to independent claims 20, 28, 36, 42, 49, 56, 61, 67, and 70 further include the limitation of claim 81 to show that the best local price comprises the lowest price at which an item of interest is offered as between multiple retailers proximate to the user. As discussed in the interview, neither the Bouve-Stewart, nor the Bouve-Stewart-Bianco combination discloses the limitations of claims 20, 28, 36, 42, 49, 56, 61, 67, and 70 as amended in this proposed amendment.

For the foregoing reasons, the Assignee respectfully requests entry of the proposed amendments and submits that claims 20-26, 28-34, 36-40, 42-47, 49-54, 56-59, 61-65, 67-68, 70-71, and 73-80, as amended, are patentable over the combination of Bouve and Stewart, as well as over the combination of Bouve, Stewart, and Bianco. The Assignee accordingly respectfully requests withdrawal of the § 103 rejection.


Conclusion

As discussed in the interview, the asserted combinations fail to teach or suggest the claimed subject matter as amended. Assignee therefore respectfully requests entry of the proposed amendments and withdrawal of the rejections and allowance of the claims. The Examiner is invited to call the undersigned at the telephone number listed below if a telephone conference would expedite allowance of the application.

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Respectfully submitted,

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